

Early Stakeholder Outreach Waste Collection Program Acceptance of CESQG Hazardous Wastes

Why are these rules subject to early stakeholder outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded or created, prior to any language being drafted. In response to Executive Order 2011-01K, Ohio EPA now provides an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by Ohio EPA.

What is Ohio EPA suggesting in these rules?

While a number of hazardous waste management rules will be considered for change and bundled together as the "Set L" hazardous waste program rules, the division of Materials and Waste Management (DMWM) is seeking input on the suggestion to facilitate the acceptance of conditionally exempt small quantity generators' (CESQG) hazardous waste at waste collection programs. CESQGs are businesses that produce small quantities of hazardous wastes. It would be the decision of the solid waste management district conducting the waste collection program whether to accept small business CESQG waste.

DMWM supports waste collection programs sponsored by local solid waste management districts as a valuable service to local communities. These programs typically consist of temporary events and permanent collection facilities. The collection programs provide an opportunity for citizens to bring specific types of solid waste and household hazardous waste to a central collection point to be properly managed, reused, recycled or disposed.

Currently, such collection programs may only accept solid waste, including household hazardous waste, excluded from state and federal hazardous waste regulations. While household hazardous wastes brought to the collection program are solid wastes, many solid waste management districts utilize hazardous waste contractors for the collection program.

DMWM is seeking input on the concept of changing Ohio's hazardous waste rules to facilitate the collection of small business hazardous wastes as part of a waste collection program.

CESQG hazardous waste is prohibited from solid waste landfills and is required to be managed in accordance with Ohio's hazardous waste rules. This prohibition would remain in the Ohio hazardous waste rules.

The solid waste management district conducting the program would be required to manage these collected CESQG wastes in accordance with Ohio's hazardous waste rules. The suggestion is to focus on changes to the hazardous waste rules as they would apply to the solid waste management district conducting the waste collection program accepting CESQG waste.

By facilitating waste collection programs' acceptance and management of CESQG wastes, Ohio EPA believes small businesses will be confident their small quantities of CESQG waste are managed properly.

What rules might be changed?

Ohio's hazardous waste rules provide complete management of hazardous wastes including generation, storage, transport, treatment and disposal. DMWM has only given preliminary thought to what rules might need to be changed to address the CESQG issue.

The key hazardous waste rule to change would be OAC rule 3745-51-05. Paragraphs (F)(3) and (G)(3) instruct CESQGs to ensure delivery to specific types of facilities. To incorporate the suggestion to allow small businesses to take their CESQG waste to a collection program, rule changes would start here.

Other amendments would be necessary to specify appropriate changes to hazardous permitting, storage and other associated rules to address collection programs conducted by solid waste management districts that accept CESQG waste. New rule language would be necessary to spell out what a collection program is, and what a solid waste management district's regulatory

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obligations would be in order to gain a conditioned exclusion from the permitting requirements.

Who would be regulated by these rules?

The solid waste management district conducting the waste collection program accepting CESQG waste would be regulated by these changed rules.

What is the rulemaking schedule?

Early stakeholder input will be sought from March 30 to April 30, 2012. The rule language will then be drafted, and the Draft "Set L" rules will be made available for review by Interested Parties (IPs) for approximately one month in mid-2012. Comments received from IPs will be considered, and the rules will be prepared for proposal (original filing) with the legislative Joint Committee on Agency Rule Review (JCARR). Proposal is planned for late 2012, and the target effective date for the "Set L" rules is early 2013.

What additional information is Ohio EPA seeking?

Ohio EPA wants to hear from interested stakeholders who may be impacted by this suggestion. General comments and specific factual information are welcome. Ohio EPA is specifically asking stakeholders to identify the following:

- Does this suggestion impact your business?
- Does this suggestion have an adverse impact on your business? If so, please identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance).
- Are there any alternative rules (or specific provisions within the rule) that Ohio EPA should consider?

What should I consider as I prepare my comments?

You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions you used.
- Provide any technical information and/or data you used that support your views.
- If you estimate potential burden or costs, explain how you arrived at your estimate.
- Provide specific examples to illustrate your concerns.
- Offer alternatives.
- Make sure to submit your comments by the end of the comment period.

How can I provide input on the rules?

Please submit your written early stakeholder input to Kit Arthur, DMWM's hazardous waste rules coordinator. Make sure they include reference to "Set L" so we know which rules package you're commenting on. You may mail your comments to the address on the first page of this fact sheet, or you may e-mail them to **Kit.arthur@epa.state.oh.us**. Comments are due by close of business on April 30, 2012.

How can I get more information?

Please contact Kit Arthur at (614) 644-2932, or at the e-mail address above, if you have any questions.